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Attorneys for Plaintiff and Cross-Defendant
FRITZI BENESCH

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

FRITZI BENESCH,

Plaintiff,

v.

SHARON GREEN; and DOES 1 through 10,
inclusive,

Defendants.

Case No. C 07 3784 EDL

**STIPULATION AND [PROPOSED]
ORDER STAYING ACTION**

Complaint Filed: April 24, 2007

Trial Date: None set

SHARON GREEN,

Cross-Complainant,

v.

FRITZI BENESCH, and ROES 1 through 25,
inclusive,

Cross-Defendants.

Plaintiff and Cross-Complainant Fritz Benesch ("plaintiff") and Defendant and Cross-Complainant Sharon Green ("defendant") hereby stipulate as follows:

Whereas, this is an action for professional negligence arising out of certain alleged acts and omissions purportedly performed in the underlying case of *Benesch v. Tandler*, San Francisco Superior Court No. CGC-00-317187 (the "underlying action");

Whereas, the resolution of the underlying action is likely to have a material impact on the claims, issues and potential damages in this action;

Whereas, the underlying action is scheduled for trial on September 15, 2008;

Whereas, the interests of justice and judicial economy militate in favor of staying this action until the underlying action has been resolved,

NOW THEREFORE, IT IS HEREBY STIPULATED that

1. This action shall be stayed until the earlier of:

(a) entry of judgment following the trial of the underlying action, assuming that the trial commences on or about September 15, 2008; or

(b) settlement of the underlying action.

2. Plaintiff shall promptly notify defendant and the Court of any settlement of the underlying action.

3. Plaintiff shall promptly notify defendant and the Court of any continuance of the September 15, 2008 trial date in the underlying action, so that the Court may consider a modification of the terms of this stay.

DATED: December 7, 2007

COBLENTZ, PATCH, DUFFY & BASS LLP

By: //s//

JONATHAN R. BASS
Attorneys for Plaintiff and
Cross-Defendant FRITZI BENESCH

DATED: December 7, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: //s//

STEVEN D. WASSERMAN
Attorneys for Defendant and Cross-Complainant
SHARON GREEN

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: _____, 2007

By: _____

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge